

ANNUAL REPORT ON IMPLEMENTATION OF THE MOSCOW TREATY

2009



Prepared by:

The U.S. Department of State

**In response to
Section 2(2) of the Resolution of Advice and Consent
To Ratification of the Treaty on Strategic Offensive Reductions
Of May 24, 2002**

MOSCOW TREATY ANNUAL IMPLEMENTATION REPORT

This Report is submitted in response to Condition (2) of the March 6, 2003, Resolution of Advice and Consent to Ratification of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions (Moscow Treaty). The Moscow Treaty was signed at Moscow on May 24, 2002, and entered into force on June 1, 2003, upon exchange of the instruments of ratification. Condition (2) of the Resolution states: "Annual Implementation Report. - Not later than 60 days after exchange of instruments of ratification of the Treaty, and annually thereafter on April 15, the President shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report on implementation of the Treaty by the United States and the Russian Federation." On July 31, 2003, pursuant to Executive Order 13313, the President delegated to the Secretary of State the authority to submit this report to the Senate.

Condition (2) requires that the implementation report include the following:

(A) a listing of strategic nuclear weapons force levels of the United States, and a best estimate of the strategic nuclear weapons force levels of the Russian Federation, as of December 31 of the preceding calendar year;

(B) a detailed description, to the extent possible, of strategic offensive reductions planned by each party for the current calendar year;

(C) to the extent possible, the plans of each party for achieving by December 31, 2012, the strategic offensive reductions required by Article I of the Treaty;

(D) measures, including any verification or transparency measures, that have been taken or have been proposed by a party to assure each party of the other party's continued intent and ability to achieve by December 31, 2012, the strategic offensive reductions required by Article I of the Treaty;

(E) information relevant to implementation of this Treaty that has been learned as a result of Strategic Arms Reduction Treaty (START) verification measures, and the status of consideration of extending the START verification regime beyond December 2009;

(F) any information, insufficiency of information, or other situation that may call into question the intent or the ability of either party to achieve by December 31, 2012, the strategic offensive reductions required by Article I of the Treaty; and

(G) any actions that have been taken or have been proposed by a party to address concerns listed pursuant to subparagraph (F) or to improve the implementation and effectiveness of the Treaty.

Much of the information requested in the Senate condition is classified for national security reasons. A classified version of this Report contains the complete information required by Conditions 2(A) through (G).

The Moscow Treaty both reflects and significantly contributes to the emergence of the new strategic relationship between the United States and Russia. The Treaty places upon the United States a legal obligation to implement fully its publicly announced plans to reduce to a level of 1700-2200 strategic nuclear warheads by December 31, 2012.

A. Listing of Strategic Nuclear Weapons Force Levels of the United States, and a Best Estimate of the Strategic Nuclear Weapons Force Levels of the Russian Federation, as of December 31 of the Preceding Calendar Year

The number of U.S. operationally deployed strategic nuclear warheads was 2,246 as of December 31, 2008. The classified version of this Report contains the numbers of U.S. operationally deployed strategic nuclear warheads, by category of system, and estimated numbers of Russian Federation strategic nuclear warheads as of December 31, 2008.

As noted in the Moscow Treaty Article-by-Article Analysis, in using the term “operationally deployed strategic nuclear warheads” the United States means reentry vehicles on intercontinental ballistic missiles (ICBMs) in their launchers, reentry vehicles on submarine-launched ballistic missiles (SLBMs) in their launchers on board submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases. A small number of spare strategic nuclear warheads (including spare ICBM warheads) are located at heavy bomber bases and the United States does not consider these warheads to be operationally deployed strategic nuclear warheads.”

The Treaty makes clear that the Parties need not implement their reductions in an identical manner. Russia, like the United States, may reduce its strategic nuclear warheads by any method it chooses. Russia could use the U.S. definition of "operationally deployed strategic nuclear warheads" or some other counting method to quantify its reductions. Moscow Treaty numbers are not comparable to START Treaty data due to the different counting approaches of the two treaties.

B. Detailed Description, To the Extent Possible, of Strategic Offensive Reductions Planned by Each Party for the Current Calendar Year

In 2009, the United States expects to continue to make steady progress in reducing operationally deployed strategic nuclear warheads to meet the goal of 1700-2200 by 2012.

The classified version of this Report describes planned U.S. strategic offensive reductions in greater detail; it also describes the U.S. estimate of planned Russian strategic offensive reductions during 2009, based on information provided by Russia.

C. To the Extent Possible, the Plans of Each Party for Achieving by December 31, 2012, the Strategic Offensive Reductions Required by Article I of the Treaty

The strategic nuclear force posture planned by the United States for 2012 includes 14 Trident SSBNs, 450 Minuteman III ICBMs, 20 B-2 bombers, and 76 B-52H bombers. At any given time, the United States will likely have two of the 14 Trident SSBNs in overhaul. The SSBNs in overhaul will not contain operationally deployed strategic nuclear warheads. In 2009, the United States expects to continue to make steady progress in reducing operationally deployed strategic nuclear warheads to meet the goal of 1700-2200 by 2012. Decisions that have been made to date on the allocation of operationally deployed strategic nuclear warheads were made during periodic assessments called for in the December 2001 Nuclear Posture Review. As provided for in the Defense Authorization Act for 2008, the United States will conduct a comprehensive review of the nuclear posture of the United States in 2009. Results of that review will be factored into U.S. operational plans. We remain confident that we will meet Treaty obligations.

Information regarding Russian Federation plans for implementing Moscow Treaty reductions is contained in the classified version of this Report.

D. Measures, Including Any Verification or Transparency Measures, That Have Been Taken or Have Been Proposed by a Party to Assure Each Party of the Other Party's Continued Intent and Ability to Achieve by December 31, 2012, the Strategic Offensive Reductions Required by Article I of the Treaty

The Bush Administration made clear to the Senate, both during ratification hearings on the Moscow Treaty and in written submissions, that the Moscow Treaty does not require a verification regime. The Obama Administration continues to believe that U.S. national intelligence capabilities and knowledge gained from implementing the START Treaty and other agreements will provide the foundation for providing transparency into Russia's implementation of its reductions.

The same day the Moscow Treaty was signed, May 24, 2002, Presidents Bush and Putin also issued the Joint Declaration on the New Strategic Relationship. The Declaration established the Consultative Group for Strategic Security (CGSS), chaired by the Foreign and Defense Ministers of the United States and Russia, as "the principal mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest." In November 2005, the United States proposed replacing the CGSS with a Core Group and a Strategic Group on international security issues, to be chaired by the Russian Deputy Foreign Minister and Defense Minister and U.S. Under Secretaries of State and Defense. Then Under Secretary Joseph and then DFM Kislyak met within the framework of the Strategic Group on international security issues in September 2006, and continued the strategic security dialogue on the margins of other meetings (Washington December 2006 and January 2007). The discussions continued in 2007 and 2008.

Article III of the Moscow Treaty establishes the Bilateral Implementation Commission (BIC) for purposes of implementing the Treaty. The BIC is the forum in which the United States and Russia discuss and exchange information on their respective Treaty implementation efforts. The Treaty requires that the BIC meet at least twice each year. The United States and Russia held two meetings of the BIC during 2008. The meetings were held on July 16 and November 12, 2008, in Geneva. During each meeting, the Parties exchanged briefings on their strategic nuclear forces.

E. Information Relevant to Implementation of this Treaty That Has Been Learned as a Result of Strategic Arms Reduction Treaty (START) Verification Measures, and the Status of Consideration of Extending the START Verification Regime Beyond December 2009

START verification measures provide additional data that help the Intelligence Community monitor Russia's progress toward meeting its Moscow Treaty obligations. These data, complemented by other information, assist the United States in better understanding how the Russian Federation is implementing the Moscow Treaty. A further discussion of this subject is contained in the classified Report.

The START Treaty is scheduled to expire in December 2009. The United States and Russia have begun to consider what type of arrangement will replace START. While no details of a draft agreement have been agreed, both the United States and the Russian Federation are pursuing this issue on a priority basis.

Between March 2007 and the end of 2008, United States and Russian experts met several times to discuss a post-START arrangement and both sides indicated that they wanted a post-START arrangement that ensures continuity in transparency and predictability for strategic offensive forces. The Bush Administration's view was that the Moscow Treaty would provide a sound basis for continuity, in conjunction with transparency and confidence building measures drawn from our START experience. However, the Russian view was that we should retain START-like limitations on delivery vehicles. This dialogue was carried out at various meetings during this period, including a meeting on July 3 and October 12, 2007 between then Secretary Rice and Minister of Foreign Affairs Lavrov,

At the October meeting, then Secretary Rice informed Foreign Minister Lavrov that the United States concurred in the view that, if the two sides could reach substantive agreement, START could be replaced with a legally binding agreement based on the Moscow Treaty.

This dialogue continued through 2008 with meetings at both the Assistant Secretary and Under Secretary levels. During 2008, then Assistant Secretary DeSutter and MFA Director for Security and Disarmament Affairs Antonov met in Washington in March to discuss approaches to a post-START arrangement. The United States provided Russia with a draft legally-binding post START Treaty. Then Under Secretary Rood and Deputy Foreign Minister Ryabkov met in December 2008. They discussed the U.S. -proposed draft text for a legally binding agreement for a post START treaty. The Russian response to that proposal was that an approach based on

the Moscow Treaty, i.e., operationally deployed strategic nuclear warheads, was not consistent with the letter and spirit of the START Treaty, and, accordingly, an actual arrangement based on this concept could not be regarded as a replacement for the START Treaty.

During 2008, the START Parties also met in the Joint Compliance and Inspection Commission in November to satisfy the START Treaty's requirement to meet one year before the scheduled expiration of the Treaty to discuss whether to extend the Treaty for five years. At that meeting no decision was attempted or reached on whether or not to extend the START Treaty. Subsequently, on April 1, 2009, President Obama, jointly with Russian President Medvedev, stated that the two countries would begin negotiations on a new legally binding agreement and that it was his intention that they conclude this agreement before the START Treaty expires in December 2009.

F. Statement as to Whether Any Information, Insufficiency of Information, or Other Situation Exists That May Call Into Question the Intent or the Ability of Either Party to Achieve by December 31, 2012, the Strategic Offensive Reductions Required by Article I of the Treaty

For its part, the United States remains committed to fulfilling the Moscow Treaty reductions, and envisions no obstacles to its capability to do so. The United States also believes Russia can fulfill the Moscow Treaty reductions. Russia has not expressed any concerns regarding the U.S. intent or ability to comply with its obligations under the Treaty.

G. Any Actions That Have Been Taken or Have Been Proposed by a Party to Address Concerns Listed Pursuant to Subparagraph (F) or to Improve the Implementation and Effectiveness of the Treaty

As noted in Section F above, neither Party has expressed concerns at this point about the intent or the ability of the other Party to comply with its obligations under the Treaty.